

**STATE OF RHODE ISLAND  
DEPARTMENT OF BUSINESS REGULATION  
JOHN O. PASTORE CENTER, BLDG. 68-1  
1511 PONTIAC AVENUE  
CRANSTON, RHODE ISLAND 02920**

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IN THE MATTER OF

NICK'S AUTO BODY  
& RADIATOR WORKS, INC.,

RESPONDENTS.  
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DBR No. 21AB003

**CONSENT AGREEMENT**

The Department of Business Regulation through its Division of Commercial Licensing ("Department"), and Nick's Auto Body & Radiator Works, Inc. ("Respondent") hereby consent and agree that:

1. Respondent is an auto body business located at 44 Bradford St, Providence, Rhode Island 02903 that possesses Motor Vehicle Body Class B License No. AB-0000038-B ("License"), which was initially issued in August of 1960.
2. Respondent was incorporated as a domestic for-profit corporation on November 2, 1965; Richard P. Leone, Jr. is Respondent's current President and Owner.
3. On October 15, 2021, Respondent timely filed an Auto Body License Renewal ("Renewal"), which included Mr. Leone's Background Criminal Investigation ("BCI") report.
4. According to the BCI and other publicly available court records, as a result of conduct that occurred on June 21, 2019, Mr. Leone was charged in Superior Court case P2-2019-5393AG with the following felony counts: (1) Felony Assault and/or Battery and (2) Using a Firearm While Committing a Crime of Violence.
5. On February 27, 2020, Mr. Leone entered into a deferred sentencing agreement on P2-2019-5393AG for a period of two (2) years by pleading nolo contendere to count one, Felony Assault and/or Battery; count two was dismissed and a no contact order was issued.
6. Respondent did not notify the Department of Mr. Leone's arrest for the conduct described in ¶4, his associated criminal charges or his disposition of P2-2019-5393AG before the

Renewal was filed.

7. On November 4, 2021, Department sent a letter to Respondent requesting clarification of the information contained within the BCI, including but not limited to an explanation of the events that transpired on June 21, 2019.
8. By letter dated November 8, 2021, Respondent gave a sufficiently detailed response to the Department's previous inquiry.

#### Applicable Law

9. Pursuant to 230-30-05-2, *Motor Vehicle Body and Salvage Vehicle Repair* ("Regulation"), §2.13(A): "In addition to the reasons listed in R.I. Gen. Laws § 5-38-10, the Department may deny an application for a Motor Vehicle Body License or revoke or suspend a Motor Vehicle Body License if it determines that an employee or manager or owner of an Applicant or Licensee has engaged in any the following activities: ...
  1. Said individual has been convicted of any criminal felony involving dishonesty, breach of trust, forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, fraud, false dealing or any similar offense(s)."
10. Pursuant to the Regulation, § 2.16(A): "Change of Address/Application Information. Written notice shall be given to the Department by each Licensee within fourteen (14) days of any change in mailing address, or any other change in any information reported on the most recent application, including employees."
11. R.I. Gen. Laws § 5-38-10 provides: "The department of business regulation may deny an application for license or suspend or revoke a license after it has been granted, for the following reasons:  
...
  - (3) For any failure to comply with the provisions of this section or with any rule or regulation promulgated by the commission under § 5-38-5."
12. The instructions in the Renewal provide that a criminal history report is a mandatory attachment for all owners, corporate officers and managers.

#### Conditions

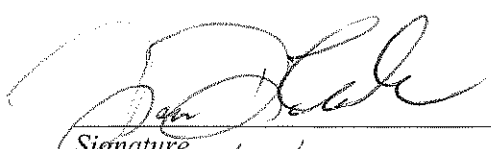
13. Though the Division maintains that it has the requisite cause to revoke Respondent's License pursuant to R.I. Gen. Laws § 5-38-10 and the Regulation §§ 2.13(A) and 2.16(A), in conformity with R.I. Gen. Laws § 28-5.1-14, in consideration for the Respondent's forthright acceptance of responsibility and responsive communication with the Department, the parties have agreed to an amicable resolution of the matter without an administrative hearing. As such, the following are the conditions under which the Department will grant Respondent a Conditional License:

- a. The term of Respondent's Conditional License shall run from the date of execution of this Consent Agreement until the Respondent provides sufficient proof of the successful completion of Mr. Leone's two (2) year deferred sentence;
  - c. During the term of Respondent's Conditional License, Respondent shall report any arrests, charges or allegations of criminal conduct, civil violations, or violations of Mr. Leone's deferred sentence agreement within twenty-four (24) hours of their occurrence to the Department by e-mail or phone call to Donald DeFedele, Associate Director, Division of Commercial Licensing; and
  - c. If Mr. Leone remains free from any arrests, charges or allegations of criminal conduct, civil violations, and/or violations of Mr. Leone's deferred sentence agreement for the term of Respondent's Conditional License, thereafter the Conditional License will become permanent for the remainder of Respondent's licensing cycle.
14. This Consent Agreement and its terms represent the final determination in this matter.
15. *Waiver of Hearing and Appeal.* By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1, *et seq.*
16. *Enforcement.* If the Respondent fails to comply with any term or condition of this Consent Agreement within any applicable time period set forth herein, the Respondent will be in violation hereunder and the Department shall be entitled to immediately take enforcement or other action in accordance with applicable law.
17. *Compliance; Laws.* Compliance with the terms of this Consent Agreement does not relieve the Respondent of any obligation to comply with other applicable laws or regulations administered by or through the Department or any other governmental agency.

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Signature Page

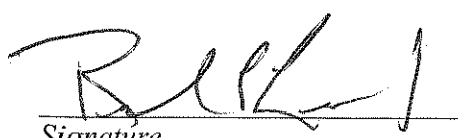
For the Division:

  
Signature

Date: 12/10/21

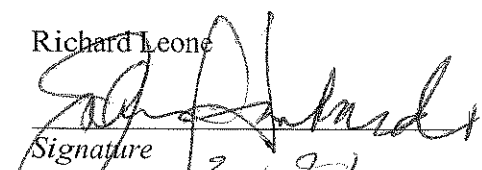
Mr. Don DeFede  
Associate Director  
Division of Commercial Licensing

Respondent:

  
Signature

Date: 12-3-21

Richard Leone

  
Signature

Date: 12-3-21

John Lombardi, Esq.

Counsel for the Respondent

*Bar # 3614*